

1-1



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

Promoting the wise use of land
Helping build great communities

MEETING DATE July 27, 2006	CONTACT/PHONE Elizabeth Kavanaugh 805/788-2010	APPLICANT Bradley Orrison	FILE NO. LPR2004-00010
SUBJECT A request by Bradley Orrison to amend the county general plan by amending the Salinas River Area Plan by changing approximately 3.6 acres from Residential Suburban to approximately three acres of Residential Single Family and 1.6 acres of Open Space. The purpose of this request is to increase the allowable density on portions of the property that can be developed and place the remaining portions (in and adjacent to the floodway of the Salinas River) into permanent open space. The site is located in the community of San Miguel on the southeast corner of Bonita Place and Crispin Ave.			
RECOMMENDED ACTION Adopt the resolution recommending to the Board of Supervisors: <ol style="list-style-type: none"> 1. Adoption of the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approval of Land Use Element LPR2004-0010 as shown in Exhibit LRP2004-00010:A based on the recommended findings listed in this report. 			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator is proposing a Mitigated Negative Declaration (MND) be given to the proposal. The proposed MND identified that the project could have potentially significant impacts for several environmental factors, including agriculture, air quality, biological resources, cultural resources, geology and soils, public services, recreation and water quality. However, this project will not cause significant impacts because project revisions sufficient to mitigate the potential environmental impacts have been made by or agreed to by the project proponent. A Mitigated Negative Declaration was issued on June 21, 2006 for this project.			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION Flood Hazard	ASSESSOR PARCEL NUMBER 021-151-044 and 021-151-039	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Area wide standard 22.104.020.D. Salinas River resource protection.			
EXISTING USES: One Single Family residence			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> RMF, RSF and OS/ residences <i>South:</i> RSF and OS/ residences <i>East:</i> Agriculture / Salinas River <i>West:</i> Residential Multi Family/ residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: San Miguel Advisory Committee; Department of Fish & Game; San Miguel Community Service District, San Miguel Fire Department, Public Works, Environmental Health and Regional Water Quality Control Board.			
TOPOGRAPHY: Nearly level with steep slope at river bank		VEGETATION: Grasses, riparian, and forbs	
PROPOSED SERVICES: <i>Water supply:</i> Community water <i>Sewage Disposal:</i> Community sewer <i>Fire Protection:</i> San Miguel Fire Department		AUTHORIZATION DATE: March 8, 2005	

1-2

PROJECT BRIEF

This is a request to change the land use category of a 3.6-acre site from Residential Suburban to Residential Single Family and Open Space. This site is a thumb of Residential Suburban zoned land surrounded by Residential Single Family, Residential Multi-Family and Open Space Land Use Categories. The site is located within the San Miguel's Urban Reserve line and will be served by community water and sewer. It is within a ½ mile from Lillian Larson Elementary School and San Miguel's downtown.

The requested zone change from Residential Suburban to Residential Single Family and Open Space mirrors the existing development and zoning of the area. It protects San Joaquin kit fox habitat and the riparian corridor of the Salinas River by placing the river's floodway into open space. At the same time, this general plan amendment will increase the density of the site from six units (three primary dwellings and three secondary dwellings) to 14 units. For these reasons staff supports this project.

The applicant has submitted a 14-lot cluster subdivision that proposes to divide this site into 14 residential lots ranging in size from 3,941 square feet to 28,160 square feet and 1.6 acres of open space. The tract map will continue the established street pattern of the area and will be conditioned to provide a link the Salinas River trail.

AUTHORITY

Land Use Element Amendment

The Land Use Element sets forth the authority by which the General Plan can be amended. The Board in making their decision, pursuant to the Land Use Element, should consider the following factors:

- a. **Necessity.** *Relationship to other existing LUE policies, including the guidelines for land use category amendments in Chapter 6 to determine if those policies make the proposed amendment unnecessary or inappropriate.*
- b. **Timing.** *Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.*
- c. **Vicinity.** *Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.*
- d. **Cumulative effects of the request.** *Individual property owner requests for changes are evaluated in view of existing build out, current population and resource capacity conditions, and other important information developed as part of the update process.*

Staff comments - Land Use Element Amendment

The proposed amendment meets these guidelines as set forth in the Land Use Element as the proposed map change is consistent with Guidelines for Land Use Category Amendments which include: consistency with the existing goals and policies in the general plan, consistency with the applicable purpose and character statements, compatibility with the character of the general area, convenient access to a road system in the area that is adequate to accommodate the traffic generated, and if the change is needed to provide a sufficient supply of land for the population of the community or area. References to specific factors follow:

1-3

Necessity. Relationship to other existing LUE policies, including the guidelines for land use category amendments in Chapter 6 to determine if those policies make the proposed amendment unnecessary or inappropriate.

1. Existing Planning Policies.

- a. Applicable policies in the various elements of the General Plan.
Staff comment: This General Plan Amendment is aligned with the relevant policies of the various General Plan Elements, because it increases density within an urban reserve line where there are existing urban services with capacity to serve the increased density and area of the site with a flood hazard area designation is proposed to be rezoned as Open Space.
- b. The general goals in Chapter 1 of Framework for Planning (Part I of the Land Use Element).
Staff comment: Consistency with the goals is noted in the table following paragraph 1.c., below.
- c. The purpose and character statements for land use categories in Section B, description of land use categories.
Staff comment: Consistency with the purpose and character statements for the Residential Single Family and Open Space land use categories is noted in the following table:

General Goals of the Land Use Element	Staff Comments - Consistency
Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.	This amendment would allow 13 additional residential units. Water supply, sewage treatment plant capacity, roadway capacity, fire protection capability and school facilities are all able to accommodate such an increase in development potential.
Determine, and mitigate where feasible, the potential adverse air quality impacts of new development.	Construction of units will incorporate standard construction mitigation measures. The proposed subdivision of this site is subject to the mitigations identified in the Mitigated Negative Declaration, which include a geologic evaluation for asbestos and construction procedures to minimize air quality impacts.
Encourage an urban environment that is an orderly arrangement of buildings, structures and open space appropriate to the size and scale of each community.	The Residential Single-Family land use category would be compatible with similar uses on adjoining parcels. The Open Space parcel is an appropriate use in the Salinas River 100-year flood hazard area.

1-4

General Goals of the LUE - con't	Staff Comments - Consistency - con't
Design and maintain a land use pattern and population capacity that is consistent with the capacities of existing public services and facilities, and their programmed expansion where funding has been identified.	Approximately 33 persons would increase San Miguel's build-out capacity. This capacity is consistent with existing and planned capacity of public services.
Encourage the phasing of urban development in a compact manner, first using vacant or underutilized "infill" parcels and lands next to existing development.	This proposal would increase the density of residential development within the San Miguel Urban Reserve Line, using an underutilized parcel adjacent to existing similar development.
Locate urban residential densities within urban or village reserve lines near employment areas, while protecting residential areas from incompatible and undesirable uses.	Residences in the proposed GPA area would be within walking distance of the downtown area and schools. This proposal would increase the density of residential development to the density level of surrounding properties.

**Consistency with the General Plan Purpose and Character Statements
for the Residential Single Family Land Use Category**

Purpose Statements: RSF	Staff Comments - Consistency
To provide areas for single-family homes on urban-sized lots of less than one acre and mobile home developments in communities with full urban services.	Consistent. Residential lots would be between 3,990 square feet and a half an acre. San Miguel has a full complement of urban services.
To allow accessory and non-residential uses that complement single-family neighborhoods.	Consistent. This GPA includes no use restrictions. All uses allowed in the Residential Single-Family land use category are allowed in this area.
To discourage incompatible non-residential uses in single family neighborhoods.	Consistent. Non-residential uses are not proposed.
To provide housing within a neighborhood context where allowing compatible non-residential uses such as small convenience stores, parks and schools facilitates social interaction.	Consistent. All uses allowed in the Residential Single-Family land use category are allowed in this area.
To encourage clustering of allowed densities where there are important open space attributes that are a community resource or where sensitive habitats exist.	Consistent. Dedication of an approximately 1.6-acre portion of the property to open space preserves the riparian habitat of the Salinas River.
Character Statements: RSF	Staff Comments - Consistency
Areas with single-family dwellings at gross densities from one to seven dwelling units per acre.	Consistent. Density of the development will be approximately seven units per acre.
Areas having (or programmed to receive) appropriate urban level services.	Consistent. Appropriate urban level services are currently available.

1-5

Character Statements: RSF - con't	Staff Comments - Consistency - con't
Areas within an urban or village reserve line, and within (or programmed by an individual community plan to be within) an urban service line.	Consistent. Area is within the San Miguel Urban Reserve Line.
Areas where the majority of land contains slopes less than 20% (with increase lot sizes required as slope increases) and where land with slopes less than 15% is available for development of building sites on all parcels.	Consistent. The parcel is nearly flat, except where it drops off toward the Salinas River. This area is where the one half acre residential lot and the open space is proposed.
Areas generally without fragile natural resources.	Site is located within the habitat range of the San Joaquin Kit Fox and in the vicinity of four special status plant species. A botany report, reviewed by the county biologist concluded the site had no special status plant species. The applicant has agreed to mitigate for loss of kit fox habitat.
Areas with landscape or viewshed of high visual quality where clustering of allowed density to less sensitive portions of a site is encouraged to be required by planning area standards.	Not applicable. The area of the proposed General Plan Amendment does not include a high quality viewshed or landscape. It is a residential area and residential development is consistent with the character of the area.
Areas where residential structures generally should not exceed two stories in height or cover more than 60% of the site.	Consistent. The San Miguel Design Plan limits structures to two stories. Required building setbacks will limit structure coverage to less than 60% of a residential lot.
Areas where small-scale neighborhood commercial and service uses may be appropriate in limited areas if consistent with the LUE area plan and Land Use Ordinance location criteria.	A small-scale neighborhood commercial use would not be appropriate in the proposed GPA area, because the site is within a ¼ from the downtown commercial area.

Consistency with the General Plan Purpose and Character Statements for the Open Space Land Use Category

Purpose Statements: Open Space	Staff Comments - Consistency
To identify land areas having value as primitive or natural areas.	Consistent. The Salinas River channel and floodway have value as a natural area, based on riparian and wetland habitat.
To identify environmentally fragile areas that are at the most capable of supporting only passive recreational activities and non-structural uses.	Consistent. Although proposed open space area is not suitable for structural uses, it does have potential as a link in a multi-use trail system in the Salinas River corridor that can reviewed at the time of development.
To identify areas in public ownership which are reserved for wilderness use or as a wildlife or nature preserve.	Not applicable. Land is proposed to remain in private ownership.

1-6

Character Statements: Open Space - con't	Staff Comments - Consistency - con't
To retain areas with fragile plant or animal communities (such as marshes and wetlands) in a natural or undisturbed state.	Consistent. Portions of the proposed open space parcel are possible Kit Fox habitat..
To retain natural beauty and ecological diversity.	Not applicable.
National Forest, Bureau of Land Management or other public lands specifically reserved or proposed for watershed preservation, outdoor recreation, wilderness or wildlife/nature preserves.	Not applicable.
Sites or portions of a site with natural features such as unique topography, vegetation or stream courses without a quality or extent sufficient to necessitate application of a Sensitive Resource Area combining designation. May also include environmentally sensitive habitat for animal or plant communities.	Consistent. Proposed open space parcel includes the Salinas River channel, areas subject to a 100-year flood and possible Kit Fox habitat.
Areas reserved for passive, non-intensive recreational uses such as riding and hiking trails, primitive trail camps, etc.	Consistent. Portions of the open space parcel will be a link to and part of a multi-use trail system in the Salinas River corridor that can be evaluated as part of future development.
Areas where the only appropriate residential use in an Open Space category would be ranger or caretaker quarters, established without division of the underlying parcel.	Not applicable. No residential use of the proposed open space parcel is appropriate.

- d. Uses listed in Table O –
Staff comment. *This General Plan Amendment, if approved, will allow all allowable uses listed in Table O of the Land Use Ordinance for Residential Single Family and Open Space land use category.*

- e. The text, standards and maps of the area plans (Part II of the Land Use Element).
Staff comment. *There is nothing in the text, standards or maps of the Salinas River Area Plan that could be considered inconsistent with the proposed amendment.*

2. **Area character.** Whether the proposed land use category is compatible with allowed land uses in surrounding land use categories. Whether the potential types of development resulting from a proposed amendment would adversely affect the existing or planned appearance of the countryside, neighborhood and style of development in the surrounding area.
Staff comment: *This site is surrounded by Residential Single Family development and open space to the east. Staff has determined that this General Plan Amendment is consistent and compatible with the area character.*

1-7

3. **Environmental impacts.** The proposed amendment will not enable development that would cause potential significant adverse environmental impacts as determined through environmental determination prepared by the Office of the Environmental Coordinator, unless such impacts can be adequately mitigated or a statement of overriding considerations can be adopted in accordance with the California Environmental Quality Act.
Staff comment: *The Office of the Environmental Coordinator has issued a Mitigated Negative Declaration for this general plan amendment and subsequent tract map.*
4. **Accessibility/circulation.** Whether the site of the proposed amendment is located with convenient access to a road system in the vicinity that is adequate to accommodate the traffic generated by the type and intensity of development allowed by the amendment.
Staff comment: *The additional 13 units potentially resulting from this amendment would generate approximately 130 additional trips. Such an increase would not significantly impact level of service or traffic safety on local streets.*
5. **Soils classification.** Whether the proposed amendment gives consideration to protecting prime agricultural soils (SCS Class I and II, irrigated) for potential agricultural use. Proposals in other soil classifications should be reviewed together with other site features to determine if the proposed amendment could unnecessarily limit, reduce or eliminate potentially viable agricultural uses.
Staff comment: *The existing land use category of the subject property is Residential Suburban, not Agriculture. Because of its location surrounded by non-agricultural uses, it is unlikely that this property would have potential for viable agricultural use.*
6. **Slope and other terrain characteristics.** Whether site terrain would be predominantly retained in its existing configuration by development enabled by the proposed amendment? Whether development resulting from the proposed amendment would retain the overall contour of a site such that more intensive development occurs on flatter land and low-density development is accommodated by steeper terrain.
Staff comment: *The proposed Residential Single Family portion of the site is nearly level and is ideal for residential development with little alteration to existing site contours. The steeper riverbank will be located where the half acre existing residential unit is located an in the Open Space portion of the site, and will remain unaltered.*
7. **Vegetation.** Whether the proposed amendment enables development that would retain significant vegetation such as oak woodlands or other mature tree forests and native plant communities that provide wildlife habitat or include rare and endangered plant or animal species.
Staff comment: *Potential impacts to Kit Fox habitat and sensitive plant species were evaluated in detail, with appropriate mitigations required prior to site development.*
8. **Hazards.** Whether the proposed amendment has been evaluated with respect to potential building limitations due to flood, fire or geologic hazards, so that subsequent development will be feasible in relation to the uses allowed by the proposed amendment.
Staff comment: *The portion of the site subject to a 100-year flood is proposed for inclusion in the Open Space land use category.*

9. **Existing parcel size and ownership patterns.** Whether the proposed amendment enables development of a type and scale consistent with surrounding parcel sizes and ownership patterns.
Staff comment: *The proposed amendment to Residential Single-Family is consistent with the existing single-family category to the north and south of the site and with the multi-family category to the west. Proposed lot sizes will be similar to existing and planned development and street patterns will provide connectivity throughout the community.*
10. **Availability of public services and facilities.** Whether the proposed amendment is located in an area with demonstrated availability of needed public services and facilities and, where applicable, whether it is suitable for on-site sewage disposal and has an adequate groundwater supply. To the extent that proposed amendments will create a demand for services, amendments in the urban and village areas should demonstrate that services for water supply, sewerage, streets, public safety, schools and parks are planned to be available within the horizon year of the applicable area plan, or a capital improvement program is in effect to provide for any such services that are currently deficient, or such services and facilities will be provided as a result of approved development following the amendment.
Staff comment: *The San Miguel Community Services District provides the site with community water, sewer and fire protection. The district presently has the capacity to serve the 13 additional units represented by this proposal. Enrollment at Lillian Larsen School is presently below capacity.*
11. **Land inventory.** Whether the amendment, with the uses it would allow, is needed to provide a sufficient supply of land for the population of the community or area that is projected within planned resources, services and facilities.
Staff comment: *At least 150 new dwelling units in San Miguel are expected to result from applications currently being processed by the Department of Planning and Building reducing the inventory of available land in the residential single-family category. This proposed amendment would increase the inventory by approximately 13 potential units.*

Timing. Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.

Staff comment: *San Miguel has a total of 140 acres zoned Residential Single Family. In the area of this General Plan Amendment, between the railroad tracts and the Salinas River, there is approximately 66 acres of Residential Single Family zoned land. Of this total, about 10 acres are in the Salinas River channel or within the flood hazard combining designation. Of the 56 developable acres, approximately 17 acres are already developed, approximately 27 acres are under construction or have an approved subdivision and about 10 acres are presently in the subdivision process. Leaving an "uncommitted" inventory of about two acres in this area. West of the railroad tracks and east of Highway 101 there are 46 acres of land zoned Residential Single Family, this area is characterized by scattered infill lots, half with slopes up to 20percent. West of Highway 101 there is a 24-acre site zoned Residential Single Family, with an approved subdivision that is not yet built. With the majority of Residential Single Family land already in some stage of development, this appears to be an appropriate time to add to the inventory*

1-9

Vicinity. Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.

Staff comment: *The area cannot readily be expanded since the area of the proposed amendment is bordered by single-family densities or greater and are already developed.*

Cumulative effects of the request. Individual property owner requests for changes are evaluated in view of existing buildout, current population and resource capacity conditions, and other important information developed as part of the update process.

Staff comment: *There is no area plan update currently in progress in this area. The recent communitywide general plan amendment, heard by your commission this month along with this General Plan Amendment represents a small increase in the build out population is within the local resource capacities.*

STAFF COMMENTS

This General Plan Amendment corrects an inconsistency in an area of San Miguel that is entirely developed at Residential Single Family density, except for this one lot. This General Plan Amendment will intensify the level of development allowed on this lot to levels consistent with surrounding lands. All urban services are available to this site and at levels capable to carry the additional density.

SENATE BILL 18 (SB 18)

SB 18, adopted in 2004, requires cities and counties to contact, and consult with, California Native American tribes prior to amending or adopting a general plan or specific plan. The project before you is a request to amend the general plan. Therefore it is subject to the requirements of SB18. Staff sent a "Notification of Opportunity for Consultation" to the Salinan Tribe of Monterey, San Luis Obispo, and San Benito Counties on August 30, 2005. No response was received. Absent a response from the Salinan Tribe of Monterey, San Luis Obispo, and San Benito Counties, the August 30, 2005 notification fulfills the requirements of SB18.

COMMUNITY ADVISORY GROUP COMMENTS: The San Miguel Advisory Committee has reviewed this proposal and supports the general plan amendment. Comments from the committee include: (1) Larger lots are preferred than what is proposed in the subsequent tract; (2) There is support for a trail in the Open Space area;

AGENCY REVIEW:

Public Works – "No concerns at this time"

Environmental Health – "No concerns at this time"

Ag Commissioner – No response

San Miguel Community Service District – No response

San Miguel Fire – Fire safety letter for proposed tract.

RWQCB – No response

California Department of Fish and Game - Indicating that mitigation at a ratio of 4:1 would be required to reduce the proposal's impact on Kit Fox habitat to a less than significant level.

County Parks - Require a 25-foot wide public access trail easement located along the Salinas River corridor within the proposed open space lot.

1-10

Attachments

LRP2004-00010:A	Amendment
Exhibit B:	Vicinity Map
Exhibit C:	Negative Declaration
Exhibit D:	Referral Responses

1-11

FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 21, 2006 for this project.

Amendments

- B. The proposed amendment to the Land Use Element change the land use category from Residential Suburban to Residential Single-Family and Open Space.
- C. The proposed amendment is consistent with the Land Use Element and other adopted elements of the general plan because the land use category change is consistent with the general goals of the Land Use Element.
- D. The proposed amendment is consistent with the guidelines for amendments to land use categories and the guidelines for amendments to the Land Use Ordinance because the proposal will allow the development to be designed with maximum consideration of the characteristics of the project site and their surrounding, will respect and mitigate (or avoid) special site constraints, is compatible with present and potential adjacent land uses within the context of the area's rural character, and provides for privacy, usable open space and safe vehicular movement.
- E. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing for development that is compatible with the existing development of the surrounding area.

1-12

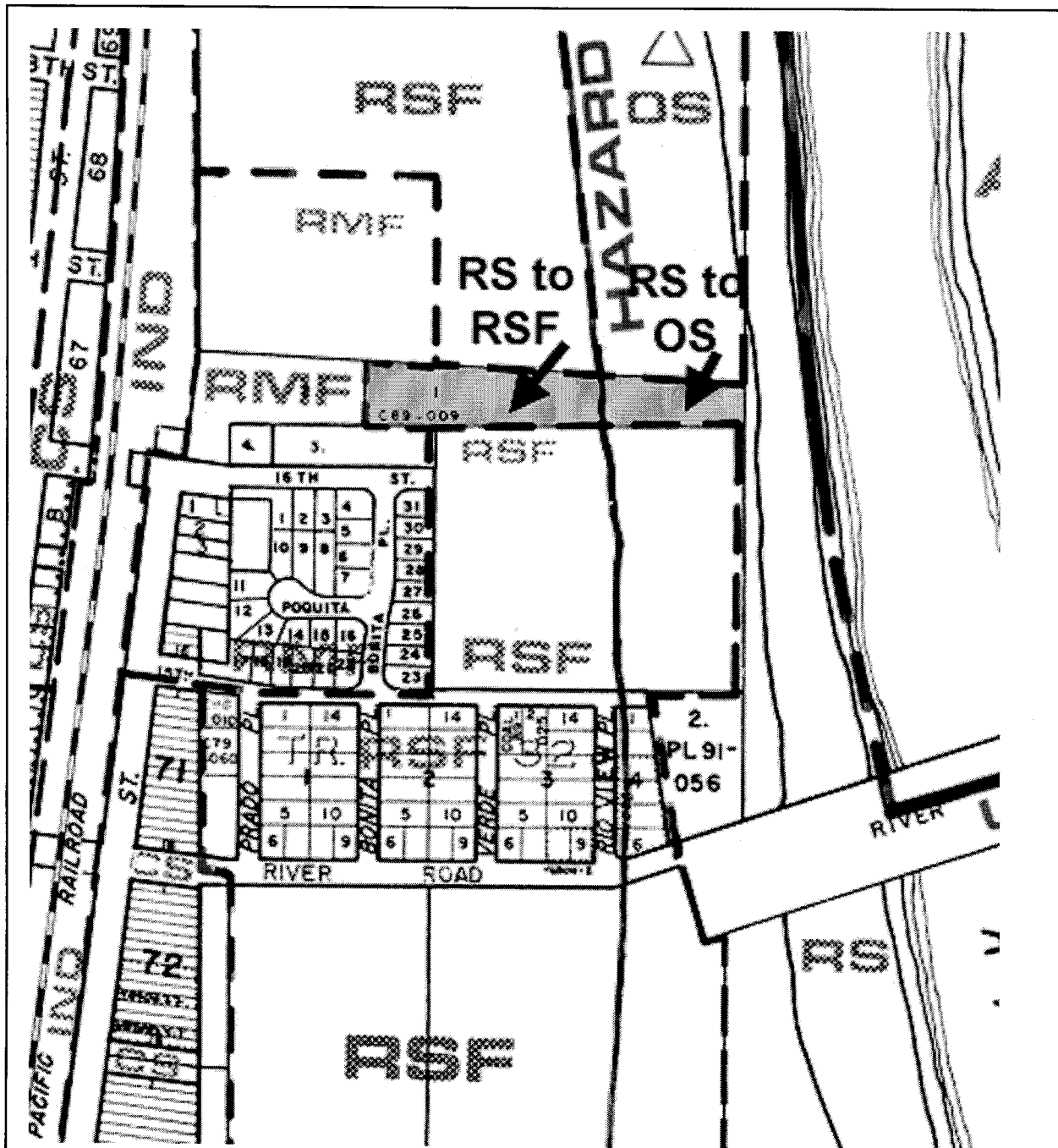
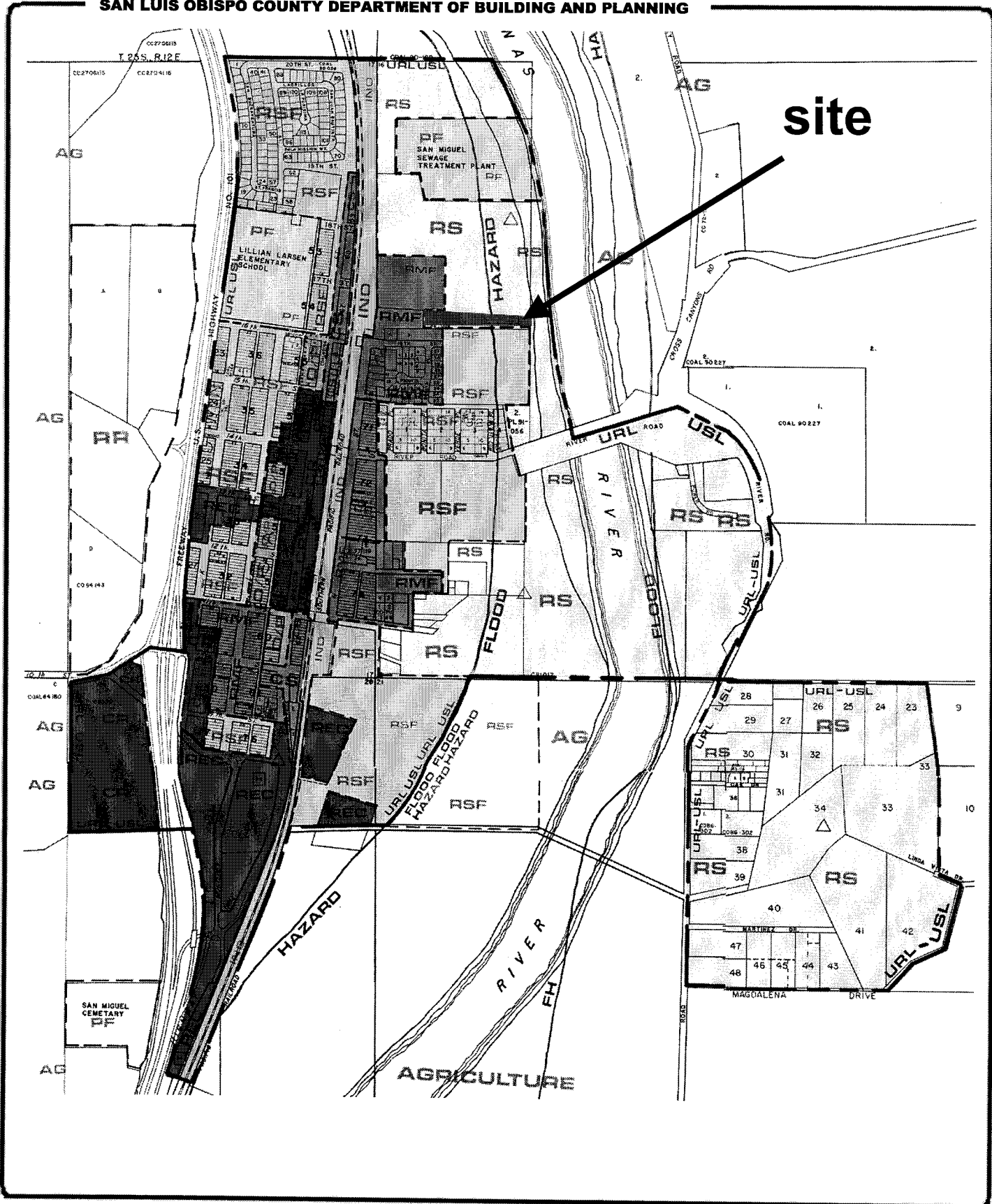


EXHIBIT LRP2004-00010:A

INITIATING A PRECISE LAND USE DESIGNATION AS SHOWN ON OFFICIAL LAND USE CATEGORY MAP ON FILE IN THE DEPT. OF PLANNING AND BUILDING

CHANGE FROM RS TO RSF and OS

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Orrison General Plan Amendment
LRP 2004-00010



EXHIBIT

Vicinity Map

1-14



COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (ek)

ENVIRONMENTAL DETERMINATION NO. ED05-055

DATE: DRAFT

PROJECT/ENTITLEMENT: Orrison General Plan Amendment and Tentative Tract Map LRP2004-00010;
 SUB2004-00370 TR05-2750

APPLICANT NAME: Stuntman Partners

ADDRESS: PO Box 1715, Paso Robles, CA 93447

CONTACT PERSON: Scott Stokes - RRM Design Group

Telephone: 805-801-1259

PROPOSED USES/INTENT: Proposal for an amendment to the Salinas River Area Plan of the Land Use Element by changing the land use category on an approximately 3.6-acre site from Residential Suburban to Residential Single Family, and proposal to cluster-subdivide an existing 3.6-acre parcel into 13 parcels of approximately 3,990 to 4,555 square feet each for the purpose of sale and/or development, one 28,933-square foot parcel (to remain developed), and one 61,681 open space parcel to remain undeveloped. The project includes on and off-site road improvements to Verde Road, Bonita Place, and Crispin Avenue.

LOCATION: The project site is located within the Residential Suburban land use category immediately east of Bonita Place, approximately 100 feet north of 16th Street, in the community of San Miguel. The site is in the Salinas River Planning Area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
 County Government Center, Rm. 310
 San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: California Department of Fish and Game
 , Environmental Health, Regional Water Quality Control Board

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT5 p.m. on

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
 County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency

1-15



**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Orrison General Plan Amendment and Tract Map; LPR2004-00010; SUB2004-00370 ED05-055

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

<u>ELIZABETH KAVANAUGH</u>	<u>Elizabeth Kavanaugh</u>	<u>6/13/06</u>
Prepared by (Print)	Signature	Date
<u>Jeff Oliveira</u>	<u>Ellen Carroll</u>	<u>6/20/06</u>
Reviewed by (Print)	Signature (for) Environmental Coordinator	Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Brad Orrison for an amendment to the Salinas River Area Plan of the Land Use Element by changing the land use category on an approximately 3.6-acre site from Residential Suburban to Residential Single Family, and request for a Vesting Tentative Tract Map to cluster-subdivide an existing 3.6-acre parcel into 13 parcels of approximately 3,990 to 4,555 square feet each for the purpose of sale and/or development, one 28,933-square foot parcel (to remain developed), and one 61,681 open space parcel to remain undeveloped. The project includes on and off-site road improvements to Verde Road, Bonita Place, and Crispin Avenue. The proposed project is within the Residential Suburban land use category and is located immediately east of Bonita Place, approximately 100 feet north of 16th Street in the community of San Miguel. The site is in the Salinas River Planning Area.

ASSESSOR PARCEL NUMBER: 021-151-044, -039

SUPERVISORIAL DISTRICT # 1

B. EXISTING SETTING

PLANNING AREA: Salinas River

LAND USE CATEGORY: Residential Suburban

COMBINING DESIGNATION(S): Flood Hazard

EXISTING USES: Single-family residence

TOPOGRAPHY: Nearly level to gently sloping

VEGETATION: Fruit trees, riparian vegetation, grasses

PARCEL SIZE: 3.6 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Multiple Family; Residential Single Family; Open Space/ residences

East: Agriculture/ Salinas River; undeveloped

1-17

South: Residential Multiple Family; Residential Single Family/ residences	West: Residential Multiple Family/ residences
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C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create glare or night lighting which may affect surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is a 3.6-acre parcel located approximately 100 feet north of 16th Street, immediately east of Bonita Place in the community of San Miguel (refer to Figures 1 through 3). The surrounding area is characterized by nearly level to gently sloping grassland dropping off into the Salinas River corridor. Surrounding development includes residences to the south, west, and north. One residence (to remain) is located onsite.

Impact.

General Plan Amendment

The applicant is proposing to re-designate approximately 3.6 acres of the project site as Residential Single Family (RSF). The current Residential Suburban (RS) land use category requires a minimum parcel size of 1.0 acre for residential development, which would allow a 3-lot subdivision on the project site. The RSF land use category requires a minimum parcel size of 6,000 square feet for the site. Approximately 1.1 acres of the project site is within the 100-year Flood Hazard Zone; therefore approximately 2.5 acres of the project site is available for standard subdivision, which would potentially allow an 18-lot subdivision within the proposed RSF area. Developed residential areas to the north, west, and south are designated Residential Single Family and Residential Multiple Family.

Implementation of the proposed General Plan Amendment would potentially increase the number of primary single-family residences on the project site from 3 to 18. Attached secondary residences are allowed per County Ordinance. The residences would be located in the western portion of the parcel;

1-18

no development would occur within or on the banks of the Salinas River. The project site is primarily visible from local roads in the area, and appears in the midst of surrounding residential development as seen from Highway 101, located approximately 1,800 feet to the west. Based on the location of the project site, and existing urban residential character of the immediate area, implementation of the proposed amendment would not result in significant visual impacts.

Tentative Tract Map

The applicant proposes to subdivide the western 1.5 acres of the project site into thirteen lots 3,990 to 4,555 square feet in size for future development of thirteen residences. One parcel, approximately 0.7 acre in size, would continue to support one residence, and the far eastern parcel, 1.4 acres in size, would remain undeveloped, with the exception of a future trail. Future residential development including residences and street lighting would be visible from both travel lanes of Highway 101. The project site is located at a lower elevation than Highway 101, and future structures would not silhouette into the skyline. The future residential development would appear to be an extension of the existing residential neighborhoods to the north, west, and south. In addition to the future construction of 13 residences, additional tract improvements would include an extension of Verde Road, a local neighborhood road. Based on the location of the project site, future residential development would be consistent with surrounding residences, and visual impacts would be insignificant.

Mitigation/Conclusion. No significant visual impacts were identified, and no planning area standards or mitigation measures are necessary.

2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located within the Residential Suburban land use category. The soil types mapped for the project site are Hanford and Greenfield fine sandy loams (2 to 9 percent slopes) and Hanford and Greenfield gravelly sandy loams (2 to 9 percent slopes). As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "IV", and the "irrigated" soil class is "II". The parcel to the east, across the Salinas River, is located within the Agriculture land use category. Property to the north, south, and west is zoned for residential use.

Impact.

General Plan Amendment

Implementation of the proposed amendment would not significantly impact agricultural resources because the land is currently designated for residential use.

Tentative Tract Map

The proposed project site is designated for residential use, and is surrounded by residences to the north, west, and south. The eastern portion of the project site (approximately 1.4 acres) is designated

1-19

as open space. The proposed project was referred to the County Agriculture Department. Based on the land use category, and distance from the Agriculture land use category to the east (approximately 800 feet), agricultural resource impacts would be less than significant (Michael Isensee; August 12, 2005). Potential land use conflicts may occur if future homeowners are unaware of existing agricultural land to the east.

Mitigation/Conclusion.

General Plan Amendment

No significant impacts were identified, and no planning area standards are necessary.

Tentative Tract Map

The applicant is required to provide copies of the County Right-to-Farm Ordinance and written notification of agricultural land uses in the region. No additional measures are required to mitigate potential agricultural impacts to less than significant.

3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Based on the latest air monitoring station information (per the County's RMS annual report, 2004), the trend in air quality in the general area is improving where unacceptable PM10 levels were exceeded once in 2002 at the Paso Robles monitoring station, which is down from the previous year (2 exceedances). The ozone standard was exceeded once at this monitoring station in 2003. The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone. In January 2004, the California Air Resources Board designated San Luis Obispo County as being in attainment of the state ozone standard; the exceedance at the Paso Robles monitoring station did not constitute violations and did not jeopardize the recently-awarded attainment status.

The proposed project site would be located approximately 1,000 feet south of the existing San Miguel Sewage Treatment Plant. The treatment plant generates objectionable odors from the decomposition of sewage water in the treatment ponds. The existing residences west and south of the facility are currently exposed to these odors on a periodic basis.

Impact.

General Plan Amendment

It is likely that establishment of the proposed uses would result in substantial short-term construction and long-term operational emission impacts on air quality. Standard construction mitigation measures for air quality would be required during the development phase of the proposed project that would substantially reduce construction-related air quality impacts.

Once the future development is constructed, there will be operational emissions. These potential emissions would be determined when the applicant proposes a specific development. At that time, the APCD CEQA Handbook and consultation with the APCD would determine potential air quality impacts and appropriate mitigation measures.

Due to the function of wastewater treatment plants, persons living in these future residences would be subjected to the odors generated by the facility. The generation of odors is periodic and would not result in significant impacts to the future residential development.

Tentative Tract Map

Implementation of the proposed project would result in the creation of 14 residential lots, and the potential construction of up to 13 primary and 13 secondary residences (one of the proposed lots is currently developed with residential uses). The Air Pollution Control District has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD). Future development of up to 18 new residences and construction of one access road and related utility and service improvements would result in both short-term vehicle emissions (which helps create ozone) and the creation of dust during construction. In addition, the project will generate up to approximately 200 additional daily vehicle trips. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants relating to long-term emissions; however, approximately 1.5 acres of area would be disturbed potentially resulting in a dust nuisance. In addition, grading activities associated with development may result in the release of naturally occurring asbestos. The State Air Resources Board considers asbestos a toxic air contaminant. If naturally occurring asbestos is present within the soil underlying the project site, future grading and site disturbance activities would release the asbestos into the air, resulting in a potentially significant air quality impact. Additionally, any developmental burning would contribute to the cumulative level of particulate matter. The project site is located within the San Miguel Urban Reserve Line, and is consistent with the general level of development anticipated and projected in the Clean Air Plan (CAP). The CAP looks at the cumulative effects of county build-out, and is updated every three years with the intent to review and include programs, as needed, to bring the county into attainment for air quality.

Mitigation/Conclusion.

General Plan Amendment

Development resulting from implementation of the amendment may result in significant air pollutant emission levels during the construction and operational phases of the proposed project. Specific impacts can be determined during the subdivision phase of the project. To mitigate for these impacts, the County would consult with the APCD and refer to the APCD CEQA Handbook for reference.

Implementation of these measures would reduce potential air quality impacts to a level of insignificance, and no planning area standards are necessary.

Tentative Tract Map

The applicant has agreed to implement standard APCD measures to mitigate for the generation of fugitive dust during grading and construction activities. These measures include the use of water trucks to spray down dust, revegetation, and the use of wheel washers (refer to Exhibit B for complete list). In addition, standard measures shall be implemented to avoid accidental release of naturally occurring asbestos (if present), and air emissions resulting from unauthorized developmental burning. Implementation of these measures would mitigate the potential air quality impacts to less than significant.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	<i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	<i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	<i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

Special-status Wildlife Species and Habitats The proposed project site is located within the habitat range of the San Joaquin kit fox (*Vulpes macrotis mutica*), a State Threatened and Federal Endangered Species. The project site is also located within a region known to support vernal pools. Vernal pool habitat consists of seasonal wetlands (areas that pond water during the wet season and dry up during the summer months) that may provide habitat for sensitive aquatic plant and animal species. Furthermore, the project site is in an area designated as critical habitat for the vernal pool fairy shrimp (*Branchinecta lynchi*), a small aquatic crustacean that is listed as a Federal Threatened species and is associated with vernal pool habitat. David Wolff, David Wolff Environmental, prepared a *Biological and Botanical Assessment* on May 31, 2005, including a vernal pool habitat assessment. Based on the results of a field survey conducted on April 27, 2005, no evidence of vernal pool habitat was observed (David Wolff; May 31, 2005).

Special-status Plant Species. The proposed project site is located within the vicinity of documented sensitive plant species including shining navarretia (*Navarretia nigelliformis* ssp. *radians*), Kellogg's horkelia (*Horkelia cuneata* ssp. *sericea*), Lemmon's jewelflower (*Caulanthus coulteri* var. *lemmonii*), round-leaved filaree (*Erodium macophyllum*), and Jared's pepper-grass (*Lepidium jaredii* ssp. *jaredii*). These species are listed as California Native Plant Society (CNPS) List 1B species (rare, threatened, or endangered in California and elsewhere), with the exception of round-leaved filaree, which is a CNPS List 2 species (rare, threatened, or endangered in California, but more common elsewhere).

Based on the results of the *Biological and Botanical Assessment*, no special-status plant species were observed on the project site (David Wolff; May 31, 2005).

Wetland and Riparian Habitat. The Salinas River is located within the eastern portion of the proposed project site. Based on the *Biological and Botanical Assessment*, this portion of the project site supports cottonwood and willow trees, shrubs, annual grassland, the western bank of the Salinas River, and a portion of the active river channel.

Impact.

General Plan Amendment

Special-status Wildlife Species and Habitats. A *San Joaquin Kit Fox Habitat Evaluation Form* was prepared by David Wolff on May 31, 2005. The evaluation form was reviewed by Bob Stafford of the California Department of Fish and Game. The evaluation, complete with Mr. Stafford's changes, resulted in a score of 81, which requires that all impacts to kit fox habitat be mitigated at a ratio of four acres conserved for each acre impacted (4:1). The applicant is proposing an amendment that would result in the conversion of land designated as Residential Suburban to Residential Single Family, which would increase the residential density of the project site. Implementation of the proposed project would result in the permanent conversion of San Joaquin kit fox habitat and potential direct impacts to San Joaquin kit fox.

Wetland and Riparian Habitat. The applicant is proposing an amendment to the County General Plan to re-designate the project site as Residential Single Family. Future development of the project site may impact riparian and wetland habitat associated with the Salinas River.

Tentative Tract Map

Special-status Wildlife Species and Habitats. *San Joaquin Kit Fox Habitat Evaluation Form* was prepared by David Wolff on May 31, 2005. As discussed above, all impacts to San Joaquin kit fox habitat shall be mitigated at a ratio of four acres conserved for each acre impacted (4:1). The project will result in the permanent disturbance of 1.5 acres of kit fox habitat. The existing residence on proposed Lot 14 (0.7 acre) would remain in place, and no new development is proposed on this parcel. Proposed Lot 15 (1.4 acres) is proposed as an open space parcel, and includes the Salinas River, western riverbank, and associated floodplain. No development is proposed for Lot 15, with the exception of trail easement to be dedicated to County Parks, in association with the Salinas River Trail Corridor identified in the County Master Plan (refer to Section 11, Recreation). Based on the nature of the future trail (natural surface), additional loss of San Joaquin kit fox habitat would not occur.

Wetland and Riparian Habitat. The applicant is not proposing structural development within proposed Lot 15 (open space), which includes the Salinas River. Implementation of the proposed project would result in new development located approximately 275 feet west of the edge of riparian vegetation associated with the river's upper bank, and would not significantly impact wetland or riparian habitat. A 25-foot trail easement is required within proposed Lot 15 (refer to Section 11, Recreation). Existing volunteer trails are present within this area. The easement would be 25 feet wide, on a flat area, and located to minimize disturbance of existing vegetation and riparian corridor. The County Parks Division of the General Services Department would implement future trail improvements. Based on the stipulations of the trail easement, impacts to wetland and riparian habitat would be less than significant.

1-23

Mitigation/Conclusion.
General Plan Amendment

Special-status Species. Mr. Stafford recommended that specific measures be implemented to effectively mitigate impacts to San Joaquin kit fox at the time subdivision and/or development is proposed (personal communication, August 31, 2005). The applicant will be required to mitigate the loss of kit fox habitat at a 4:1 ratio and implement pre-cautionary measures. Based on implementation of these standard, required mitigation measures, no planning area standards are necessary.

Wetland and Riparian Habitat. To ensure protection of the Salinas River riparian corridor, the applicant has agreed to designate the eastern portion of the project site (approximately 1.4 acres) as Open Space. No structural development would be permitted on this parcel.

Tentative Tract Map

Special-status Species. Mr. Stafford recommended that specific measures be implemented to effectively mitigate impacts to San Joaquin kit fox (personal communication, August 31, 2005). The applicant will be required to mitigate the loss of 1.5 acres of kit fox habitat at a 4:1 ratio by one of the following ways: Deposit funds to an approved in-lieu fee program; provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation easement of suitable habitat in the kit fox corridor area; or purchase credits in an approved conservation bank. At this time, there is no approved Conservation Bank that is operational in San Luis Obispo County. If none of the other three alternatives are available, the applicant may enter into a Mitigation Agreement with the Department of Fish and Game, including depositing funds into an escrow account (or other means of securing funds acceptable to the Department) which would assure the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management. To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table. Implementation of the above measures will mitigate biological impacts to a level of insignificance.

5. CULTURAL RESOURCES -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located within an area historically occupied by the Obispeño Chumash and Southern Salinian Native Americans. A Phase I surface survey was conducted on the project site to determine the presence of significant pre-historic and historic resources (Thor Conway; April 25, 2005). No surface resources were observed during the field survey. Based on the records search conducted for the immediate area, significant cultural resources are documented to the north and east of the project site. No historical structures are present on the proposed project site. Potential subsurface paleontological resources are not anticipated to be impacted due to the depth of alluvial river deposits adjacent to the Salinas River.

Impact.General Plan Amendment

No cultural resources were observed on the surface of the project site; however, based on the findings of the records search conducted in association with the Phase I surface survey, and known cultural sensitivity of the San Miguel Area, potentially significant impacts to unknown subsurface archaeological resources may occur during future site disturbance activities.

Tentative Tract Map

Based on the findings of the records search conducted in association with the Phase I surface survey and known cultural sensitivity of the San Miguel area, potentially significant impacts to unknown subsurface archaeological resources may occur during grading activities associated with development of the tract, resulting in a potentially significant impact.

Mitigation/Conclusion.General Plan Amendment

To mitigate for potentially significant impacts to unknown subsurface archaeological resources, submittal and implementation of a mitigation and monitoring plan would be required during the development phase of a future project.

Tentative Tract Map

To mitigate for potentially significant impacts to archaeological resources, the applicant has agreed to retain a County-approved historical archeologist and Native American representative to monitor initial grubbing and grading. The applicant has also agreed to submit a monitoring plan for the review and approval of County staff. Implementation of the above measures would mitigate impacts to cultural resources to less than significant.

6. GEOLOGY AND SOILS -*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6. GEOLOGY AND SOILS -*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact.

Geology. The topography of the project site ranges from gently sloping grasslands to steeply sloping riverbanks. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered low to high. No active faulting is known to exist on or near the subject property. The project is not potentially within a known area containing serpentine rock. There is no evidence that measures above what will already be required by ordinance or code are needed.

Drainage. The Salinas River is located within the eastern portion of the proposed project site, within the area proposed for Open Space. The Flood Hazard designation parallels the Salinas River in the eastern portion of the proposed project site within the area proposed for Open Space. As described in the NRCS Soil Survey, the soils mapped for the site are moderately to well drained. No specific measures above what will already be required by ordinance or code are considered necessary.

Sedimentation and Erosion. The soil types mapped for the project site are Hanford and Greenfield gravelly sandy loam and Hanford and Greenfield fine sandy loam. As described in the NRCS Soil Survey, the soil surface is considered low to moderately erodible and has a low shrink-swell characteristic. Erosion of graded areas and discharge of sediment down gradient would likely result if adequate temporary and permanent measures are not taken before, during and after vegetation removal and grading during the construction phase of the project. If not properly mitigated, these impacts both on the project site and within surrounding areas may be significant.

Mitigation/Conclusion.General Plan Amendment

To mitigate for impacts resulting from erosion and down-gradient sedimentation, the applicant is required by the County Land Use Ordinance to submit an erosion and sedimentation plan including both temporary and permanent erosion control measures. Measures shall include best management practices to prevent sediment and any other pollutants from entering the Salinas River. Implementation of required standards and the County-approved erosion and sediment control plan would mitigate geology and soils impacts to a level of insignificance.

Tentative Tract Map

To mitigate for potential drainage, erosion, and down-gradient sedimentation impacts, the applicant is required to submit a final drainage plan and erosion and sedimentation plan pursuant to Sections 22.52.080 and 22.52.090 of the County Land Use Ordinance for review and approval by the County Public Works Department and County Building Division. Implementation of required standards and the County-approved erosion and sediment control plan would mitigate geology and soils impacts to a level of insignificance, and no additional mitigation measures are necessary.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project is located within an area dominated by annual grassland and riparian vegetation. There are no known hazardous waste sites or pipelines underlying or in the vicinity of the project area. The San Miguel Sewage Treatment Plant is located approximately 1,000 feet north of the proposed project site. The project is not located in an area of known hazardous material contamination and does not propose use of hazardous materials. The proposed project is within a moderate fire hazard severity area.

Safety Hazards. Proposed site is located near the Union Pacific Railroad. Based on the location of this site, there is a potential for pedestrians and bicyclists to cross the railroad tracks outside of existing road crossings at River Road and 14th Street, resulting in a significant safety hazard. The proposed project was referred to the Union Pacific Railroad (UPRR) and California Public Utilities Commission (CPUC). Both agencies are concerned about public safety, and the potential for increased accidents and fatalities due to trespass across the railroad tracks. The Rail Crossings Engineering Section (RCES) of the CPUC reviewed the proposed General Plan Amendment and recommended a complete diagnostic review of the entire rail corridor through the community of San Miguel, including development of an impact funding mechanism to implement identified safety measures. Additional recommendations included in the referral response letter include construction of vandal resistant fencing on all parcels adjacent to the railroad right-of-way (Kevin Boles; December 13, 2005).

The Diagnostic Review requested by the RCES was completed in May 2006. The recommendations of the review include fencing along the right of way; construction of sidewalks at the existing rail crossings and a review of all at-grade crossings in the County.

To avoid the potential for trespass and subsequent accidents and fatalities within the railroad right-of-way (outside of designated at-grade crossings), a planning area standard shall be adopted requiring the construction of fencing at the edge of the railroad right-of-way. Fencing shall be a minimum of six feet in height, and be constructed with chainlink to minimize the potential for vandalism. The CPUC's Pedestrian Rail Crossing Treatments handbook (currently in draft form) will be used for guidance. Based on the urbanized character of the community of San Miguel, construction of the fencing would not result in secondary visual impacts. Fencing shall be constructed with 8-inch by 12-inch openings near the ground every 100 yards to accommodate San Joaquin kit fox migration. However this site is not adjacent to the railroad and is not subject to this mitigations.

Impact.

General Plan Amendment

No significant fire safety risk was identified. Future applicants would be required to obtain a Fire Safety Plan from the San Miguel Fire District prior to development, pursuant to Section 22.50.030 of the County Land Use Ordinance. The plan is required to include the location of the fire hydrant nearest to the site, the location of any emergency firefighting equipment or water supplies on the proposed site, the location of any explosive or flammable materials, and means of access to all structures available for firefighting equipment. No impacts as a result of hazards or hazardous materials are anticipated.

Tentative Tract Map

No significant fire safety risk was identified; however, the applicant is required to comply with the Uniform Fire Code, including installation of residential sprinklers (Roland H. Snow, Fire Chief; June 28, 2005). No impacts as a result of hazards or hazardous materials are anticipated.

Mitigation/Conclusion.

Based on implementation of these planning area standards and standard ordinance requirements discussed above, potential hazards would be mitigated to less than significant.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels which exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located approximately 1,800 feet east of Highway 101 and approximately 600 feet east of the Southern Pacific Railroad. The railroad is the primary source of noise in the area. The topography between the railroad and the project site is gently sloping, and developed with residences. According to the *County Noise Element*, the western property boundary is located adjacent to the 60 Ldn noise level contour (County of San Luis Obispo; May 1992). Future

development would occur outside of the 60 Ldn noise contour. According to the *Noise Element*, noise level exposure less than 60 decibels in residential areas is acceptable.

Impact.

General Plan Amendment

Noise Exposure. The applicant submitted a noise study to assess actual noise levels on the project site. Based on the results of the noise study, outdoor noise exposure ranges from 35 to 46 dBA (Dohn Associates, Inc.; April 25, 2005). Based on the *County Noise Element* and results of the noise study, noise exposure impacts would be less than significant.

Noise Generation. The existing land use designation would allow for a three-lot subdivision, and the construction of up to three primary and three secondary residences. Implementation of the proposed amendment would potentially result in an additional 15 primary and 15 secondary residences (excluding the existing residence) and approximately 230 additional traffic trips. Generation of these trips would contribute to the cumulative generation of transportation-related noise in the community of San Miguel. Generation of these trips would not result in a significant level of transportation-related noise.

Tentative Tract Map

Noise Exposure. The applicant submitted a noise study to assess actual noise levels on the project site. Based on the results of the noise study, outdoor noise exposure ranges from 35 to 46 dBA (Dohn Associates, Inc.; April 25, 2005). Based on the *County Noise Element* and results of the noise study, noise exposure impacts would be less than significant.

Noise Generation. Implementation of the proposed project would result in the construction of up to 13 primary and 13 secondary residences and approximately 200 daily traffic trips. Generation of these trips would contribute to the cumulative generation of transportation-related noise in the community of San Miguel. Generation of these trips would not result in a significant level of transportation-related noise.

Mitigation/Conclusion. Based on the location of the proposed project, results of the noise study, and *County Noise Element*, no significant noise impacts would occur and no planning area standards or mitigation measures are necessary.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9. POPULATION/HOUSING -*Will the project:*Potentially
SignificantImpact can
& will be
mitigatedInsignificant
ImpactNot
Applicabled) *Use substantial amount of fuel or energy?*☐☐☒☐e) *Other* _____☐☐☐☐

Setting. The project site currently supports one residence within the Residential Suburban land use designation, within the community of San Miguel.

Impact.General Plan Amendment

Implementation of the proposed amendment would likely increase the number of future primary single-family residences on the project site from three to 18. The anticipated additional 15 primary residences are not anticipated to significantly induce growth, but would facilitate housing demand. The project site is currently located within the community of San Miguel, and would not require new service infrastructure (water, sewer, utilities). The San Miguel Community Services District has issued preliminary will-serve letters for water, sewer, and fire protection service. The future development would not displace existing housing or use a substantial amount of fuel or energy to construct and maintain. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project. This fee would apply to future development of the project site.

Tentative Tract Map

Implementation of the proposed project is not anticipated to significantly induce growth, but would facilitate housing demand. The future development would not displace existing housing or use a substantial amount of fuel or energy to construct and maintain. The applicant is required to contribute to an affordable housing mitigation fee as a condition of approval.

Mitigation/Conclusion. Based on the above discussion, no significant population and housing impacts are expected to occur as a result of the proposed General Plan Amendment and Tentative Tract Map.

10. PUBLIC SERVICES/UTILITIES

- Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

Potentially
SignificantImpact can
& will be
mitigatedInsignificant
ImpactNot
Applicablea) *Fire protection?*☐☒☐☐b) *Police protection (e.g., Sheriff, CHP)?*☐☒☐☐c) *Schools?*☐☒☐☐d) *Roads?*☐☐☒☐e) *Solid Wastes?*☐☐☒☐

10. PUBLIC SERVICES/UTILITIES

- Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

- | | | | | |
|-----------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| f) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Other _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Setting. The project site is served by the County Sheriff's Department and San Miguel Community Services District Fire Department as the primary responders. The closest Sheriff sub-station is located in the City of Paso Robles, approximately 10 miles south of the project site. The closest CDF station is located in the community of San Miguel, approximately 0.75 mile southwest of the project site. The project site is located within the San Miguel Joint Union School District.

Impact. This proposed project, along with numerous others in the area would have a cumulative effect on public services, including police and fire protection, and schools.

Mitigation/Conclusion. This project, along with numerous others in the area will have a cumulative effect on police and fire protection, and schools. Public facility (county) and school (State Government Code 65995 et sec) fee programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance. No other significant project-specific impacts to utilities or public services were identified, therefore no additional measures are considered necessary.

11. RECREATION - Will the project:

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Increase the use or demand for parks or other recreation opportunities? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Affect the access to trails, parks or other recreation opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Other _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Setting. The County Trails Plan shows that the project site is located within the Salinas River Trail Corridor. No other recreational resources are present on or in the vicinity of the project site.

Impact.General Plan Amendment

The project is not proposed in a location that will affect any trail, park or other recreational resource, and would not create a project-specific significant need for additional park or recreational resources. Future development of the project site would not preclude construction of a segment of the Salinas River Trail. Additional residential development would contribute to the cumulative demand for recreational resources in the County.

Tentative Tract Map

The proposed project was referred to the County Parks Division for review. The Division did not identify any project-specific significant impacts (Jan Di Leo; June 5, 2005). Implementation of the proposed project would contribute to the cumulative demand for recreational resources in the County.

Mitigation/Conclusion.General Plan Amendment

To mitigate for the cumulative impact on County-wide recreational resources and facilities, the applicant would be required to pay an in-lieu Quimby fee as a condition of subdivision map approval. In addition, the applicant may be required to set aside a trail easement for future development of the Salinas River Trail. No planning area standards are necessary.

Tract Map and Conditional Use Permit

The Parks Division requests a 25-foot wide trail easement located along the Salinas River riparian corridor on proposed open space Lot 15, consistent with the County Trails Master Plan. The easement shall be located to minimize disturbance of existing vegetation and the riparian corridor, on relatively flat land, and outside of potential safety or high maintenance areas (Jan Di Leo; June 5, 2005). In addition, the applicant is required to pay Quimby Fees to mitigate for cumulative impacts to recreational resources. Quimby fees are used to provide funds for maintenance of existing parks and acquisition of land.

12. TRANSPORTATION/ CIRCULATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1-32

**12. TRANSPORTATION/
CIRCULATION - Will the project:**

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

i) **Other** _____

☐
☐
☐
☐

Setting. The proposed project site would be accessed from 16th Street, Bonita Place, Crispin Avenue, and Verde Road, local roads providing access to an existing residential neighborhood and residences under construction in the area. These local roads are currently operating at an acceptable level of service. The proposed project site and surrounding neighborhoods are separated from Highway 101 and the commercial area of the community of San Miguel by the railroad. River Road, a two-lane local road (within San Miguel) provides access across the railroad. Mission Street, a two-lane arterial, provides access to the commercial and residential neighborhoods on the west side of the railroad. The River Road and Mission Street intersection is located on the west side of the railroad (see Figure 1).

Impact.

General Plan Amendment

The current land use designation, Residential Suburban, would allow for the maximum creation of three lots, each one acre in size. The existing residence onsite generates approximately 9.6 daily trips. A three-lot residential development (assuming three primary and three secondary residences) would result in a total average daily trip count of 47. Implementation of the proposed amendment would potentially result in the creation of 18 lots, each approximately 6,000 square feet in size. An 18-lot residential development (assuming 18 primary and 18 secondary residences) would result in a total average daily trip count of approximately 277 (approximately 230 additional traffic trips). The proposed project was referred to the County Department of Public Works for review. No significant traffic impacts were identified (Mikel Goodwin; January 13, 2005).

Tentative Tract Map

The applicant proposes to subdivide the project site into fifteen lots, for the future development of 13 residences. Proposed Lot 14 would continue to support an existing residence, and proposed Lot 15 would be an open space parcel. The applicant proposes to extend Verde Road through the project site to connect to Crispin Avenue. The applicant submitted a traffic analysis to determine if development of the proposed project would result in any significant traffic impacts, reduce the level of service on any affected roadways, or result in a hazard at the at-grade railroad crossing.

Based on the results of the traffic analysis, the Mission Street/River Road intersection is operating at an overall level of service (LOS) A, with a worst-approach LOS B, which is acceptable. The traffic analysis also assessed vehicle queues on westbound River Road at Mission Street to determine if the distance from Mission Street to the railroad (180 feet) is adequate to ensure safety. Based on the results of the traffic analysis, the length of road between Mission Street and the railroad is adequate for queuing vehicles at the River Road and Mission Street intersection, and implementation of the proposed project would not significantly impact operations at the River Road and Mission Street intersection or River Road railroad crossing.

Under cumulative conditions (build-out), the overall level of service at the Mission Street and River Road intersection would operate at LOS A during the A.M. peak hour and LOS B during the P.M. peak hour, which is acceptable. The worst-approach level of service would be LOS C during both the A.M. and P.M. peak hours, which is acceptable. Based on the traffic analysis, under cumulative conditions, the operation of the River Road and Mission Street intersection and River Road railroad crossing would not be significantly impacted; however, an all-way traffic signal is warranted to improve the ability of River Road traffic to clear the railroad crossing when a train passes through.

Mitigation/Conclusion. To reduce cumulative and area wide impacts including repairing North River Road deficiencies and a stop light at Mission Street and 14th Street, the applicant agrees, on behalf of himself and successors in interest, to pay to the County of San Luis Obispo a fee of \$3,870 per residential unit, plus an inflation adjustment based upon Caltrans Highway Construction Cost Index, to be paid for each residential unit at the time of issuance of building permits. The fees collected are to be used for road improvements in the San Miguel area to mitigate traffic impacts resulting from this subdivision.

13. WASTEWATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is currently located within the community of San Miguel, and would be served by the San Miguel Community Services District. According to the *Annual Resource Summary Report* (County of San Luis Obispo; 2004), the San Miguel CSD sewage treatment plant is operating at 56.5 percent capacity, and would not reach 100% capacity until the population of San Miguel reaches 2,844. The 2002 population of San Miguel was 1,607. The average dry-weather capacity of the facility is 113,000 gallons per day, and the maximum capacity is 200,000 gallons per day.

Impact.

General Plan Amendment

Based on the available capacity of the existing sewer treatment plant, impacts to the existing community wastewater system resulting from the proposed general plan amendment would be insignificant.

Tentative Tract Map

The County Environmental Health Division received satisfactory preliminary information that the San Miguel Community Services District will provide sewer service to the proposed project. The Division did not identify any significant impacts, and recommended standard stock conditions for use of a community wastewater service provider (Laurie Salo; June 19 and 23, 2005).

Mitigation/Conclusion.

General Plan Amendment

To ensure available wastewater capacity, the applicant is required by the County Land Use Ordinance to obtain a valid will-serve letter from the San Miguel CSD prior to site development.

1-34

Tentative Tract Map

Based on the available capacity of the existing sewer treatment plant, and issuance of a preliminary will-serve letter from San Miguel CSD, impacts to the existing community wastewater system resulting from the proposed project would be insignificant. Prior to map recordation, the applicant would be required to submit a final will serve letter to the Division of Environmental Health and install sewer improvements to each parcel (or post a bond for future construction). No additional mitigation measures are required.

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

Surface Water. The Salinas River is located within the eastern portion of the proposed project site. The project site naturally drains into the river.

Water Supply. The project site is located within the community of San Miguel, and is served by the San Miguel Community Services District. The San Miguel CSD draws its water supply from two wells located in San Miguel within the Paso Robles Groundwater Basin. According to the *Annual Resource Summary Report* (2004), as of 2004, the San Miguel CSD can support up to 125 new residential connections. Based on the report, the demand for water could equal or exceed the current system capacity within five years, warranting a Level of Severity II. The San Miguel CSD is in the planning process to construct a new well and storage tank in 2005-2006, which would increase capacity. This recommendation would be reconsidered by the County once the new well is on-line.

Impact.

General Plan Amendment

Surface Water. Potential impacts to surface water, including down-gradient sedimentation and pollution from construction equipment run-off entering the Salinas River, would likely occur during future development of the project site.

Water Supply.

The existing land use designation would allow for a three-lot residential development potentially requiring the use of 3.54 acre feet per year of water (including the existing residence):

$$3 \text{ residential lots (w/primary (0.85 afy) \& secondary (0.33 afy) X 3 lots) = 3.54 afy}$$

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

As proposed, the implemented project could result in a water demand up to 21.24 acre feet per year. Impacts to available water supply are not anticipated to be significant.

$$18 \text{ residential lots (w/primary (0.85 afy) \& secondary (0.33 afy) X 18 lots) = 21.24 afy}$$

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

Based on the current capacity of the San Miguel CSD, 18 potential additional connections would not significantly impact water supply.

Tentative Tract Map

Surface Water. Future development of the project site would result in approximately 1.5 acres of site disturbance for the construction of residences and road, drainage, and utility improvements. Potential impacts to surface water, including down-gradient sedimentation and pollution from construction equipment run-off entering the Salinas River, would likely occur during future development of the project site.

Water Supply.

The applicant is proposing to subdivide the project site into fifteen lots (13 lots proposed for residential development). The existing residence on proposed Lot 14 is connected to an onsite well. Implementation of the proposed project would require destruction of the existing well, and connection to the San Miguel CSD water supply system. Implementation of the proposed project would require the use of up to 16.52 acre feet per year of water (including the existing residence):

$$14 \text{ residential lots (w/primary (0.85 afy) \& secondary (0.33 afy) X 3 lots) = 16.52 afy}$$

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

The County Division of Environmental Health has verified receipt of preliminary evidence of water supply service from the San Miguel CSD. There is an existing well on proposed Lot 14. Environmental Health requires destruction of this well, and connection of all existing and future residences to the San Miguel CSD water supply system (Laurie Salo; June 23, 2005). In addition, a final will serve letter will be required prior to final map recordation.

Mitigation/Conclusion.General Plan Amendment

Surface Water. Implementation of an approved drainage plan and erosion and sedimentation control plan including best management practices and pollution prevention measures would reduce impacts to surface water to a level of insignificance (refer to Section 6). If future development would disturb over one acre, a Storm Water Pollution Prevention Plan (SWPPP) would be required in addition to the erosion and sedimentation control plan. No planning area standards are required.

Water Supply. To ensure available water availability, the applicant is required by the County Land Use Ordinance to obtain a valid will-serve letter from the San Miguel CSD prior to site development. No planning area standards are required.

Tentative Tract Map

Surface Water. Implementation of an approved drainage plan and erosion and sedimentation control plan including best management practices and pollution prevention measures would reduce impacts to surface water to a level of insignificance (refer to Section 6). The applicant is required to prepare and implement a Storm Water Pollution and Prevention Plan (SWPPP) for disturbance of over one acre for submittal to the State Water Resources Control Board (SWRCB). This plan requires the use of "Best Management Practices" (BMPs), which will further reduce potential impacts. No additional mitigation measures are required.

Water Supply. Prior to map recordation, the applicant would be required to submit a final will serve letter to the Division of Environmental Health and install water service improvements to each parcel (or post a bond for future construction). In addition, Environmental Health requires destruction of an existing well onsite. To further reduce the project's impact on water supply, the applicant has agreed to adopt water conservation measures per County guidelines. Based on implementation of these requirements, water supply impacts would be mitigated to less than significant.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed general plan amendment and tract map were reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g. County Land Use Ordinance, and the Salinas River Area Plan). The project was found to be consistent with these documents. The proposed project is not within or adjacent to a Habitat Conservation Plan area.

The surrounding land uses include residences to the north, south, and west, and the Salinas River and undeveloped land to the east. The proposed project is generally compatible with these surrounding uses because the proposed Residential Single-family re-designation would be located adjacent to land currently designated Residential Single-family and Residential Multiple-family. The proposed tract map includes an open space parcel between the agricultural land to the east and the proposed development to minimize potential land use incompatibility issues and protect the Salinas River corridor.

Mitigation/Conclusion. With the addition of measures proposed in this document, no significant land use impacts would occur as a result of the proposed project, and no additional planning area standards or mitigation is necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

- a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*
- ☐
☒
☐
☐
- b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*
- ☐
☒
☐
☐
- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*
- ☐
☐
☒
☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with a ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
☒	County Public Works Department	Attached
☒	County Environmental Health Division	Attached
☒	County Agricultural Commissioner's Office	Attached
☒	County Parks and Recreation Division	Attached
☒	County Assessor Department	No Response
☒	Air Pollution Control District	No Response
☒	Regional Water Quality Control Board	No Response
☒	CA Department of Fish and Game	Attached
☒	CA Department of Transportation	No Response
☒	San Miguel CSD	Attached
☒	San Miguel Advisory Council	No Response
☒	San Miguel Elementary	In File**
☒	Public Utility Companies	In File**

**** "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application	☒ Salinas River Area Plan and Update EIR
<u>County documents</u>	☐ South County Circulation Study
☐ Airport Land Use Plans	<u>Other documents</u>
☒ Annual Resource Summary Report	☒ Archaeological Resources Map
☒ Building and Construction Ordinance	☒ Area of Critical Concerns Map
☐ Coastal Policies	☒ Areas of Special Biological Importance Map
☒ Framework for Planning (Coastal & Inland)	☒ California Natural Species Diversity Database
☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	☒ Clean Air Plan
☒ Agriculture & Open Space Element	☒ Fire Hazard Severity Map
☒ Energy Element	☒ Flood Hazard Maps
☒ Environment Plan (Conservation, Historic and Esthetic Elements)	☒ Natural Resources Conservation Service Soil Survey for SLO County
☒ Housing Element	☒ Regional Transportation Plan
☒ Noise Element	☒ Uniform Fire Code
☒ Parks & Recreation Element	☒ Water Quality Control Plan (Central Coast Basin – Region 3)
☒ Safety Element	☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
☒ Land Use Ordinance	
☒ Real Property Division Ordinance	
☒ Trails Plan	
☐ Solid Waste Management Plan	

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Conway, Thor. Heritage Discoveries, Inc. April 25, 2005. *An Archaeological Surface Survey of 720 16th Street, San Miguel, San Luis Obispo County, California.*

Dohn Associates, Inc. April 25, 2005. *Code-Related Exterior Noise Control Recommendations.*

Higgins Associates. May 26, 2005. *720 16th Street Subdivision, San Luis Obispo County, CA.*

Wolff, David. David Wolff Environmental. May 31, 2005. *Biological and Botanical Assessment for the 720 16th Street San Miguel Site, San Luis Obispo, California (APN 021-151-044)*

County of San Luis Obispo, Dept of Planning and Building. May 2006. Diagnostic Review of the San Miguel Rail Corridor.

Exhibit B - Mitigation Summary TableGeneral Plan Amendment

No planning area standards are recommended.

Biological Resources

BR-1 Prior to approval of the General Plan Amendment, the applicant shall designate the eastern portion of the project site (approximately 1.4 acres) as Open Space. No structural development shall be permitted on this parcel.

Tentative Tract Map

Prior to recordation of the final map, the following notes shall be included on the second sheet of the final map and shall apply to future construction on the project site:

Agricultural Resources

AG-1 Prior to sale of each lot, the applicant shall provide all purchasers with a supplemental disclosure of agricultural operations located in close proximity to the project site. These operations shall include, but not be limited to, activities that result in noise, dust, glare, and/or odors occurring throughout the day and into the night. The disclosure shall also include a copy of the County's Right-to-Farm Ordinance.

Air Quality

AQ-1 Prior to issuance of grading permit, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, contact Ms. Karen Brooks, APCD at 781-5912.

AQ-2 During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

- a. Reduce the amount of disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and,
- e. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

AQ-3 Developmental burning shall be prohibited unless the applicant obtains a burn permit from the Air Pollution Control District and California Department of Forestry/County Fire (CDF). If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.

Biological Resources

San Joaquin Kit Fox

Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat. The Kit Fox Evaluation, which was completed for the project (Orrison General Plan Amendment and Tract Map; LPR2004-00010; SUB2004-00370) on May 31, 2005 by David Wolff, indicates the project will impact San Joaquin kit fox habitat. The project earned a score of **81** on the evaluation, which requires that all impacts to kit fox habitat be mitigated at a ratio of **four** acres conserved for each acre impacted (**4:1**). The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide

for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

BR-2 Prior to issuance of grading and/or construction permits, or conducting any grading associated with map recordation, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities,** if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a) Potential kit fox den: 50 feet
 - b) Known kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation, the applicant shall clearly delineate as a note on the project plans, that: *"Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5 Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-6 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so

discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- BR-7 During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8 During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9 Prior to, during, and after the site-disturbance and/or construction phase,** use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10 During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- BR-11 Prior to final inspection, or occupancy, whichever comes first,** should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo Department of Planning and Building
 Division of Environmental and Resource Management
 County Government Center, Room 310
 San Luis Obispo, CA 93408
 ATTN: Ms. Julie Eliason
 (805) 781-5029

Cultural Resources

- CR-1 Upon submittal of tract improvement plans**, the applicant shall submit a monitoring plan prepared by a qualified historic archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:
- List of personnel involved in the monitoring activities;
 - Description of how the monitoring shall occur;
 - Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - Description of what resources are expected to be encountered;
 - Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 - Description of procedures for halting work on the site and notification procedures;
 - Description of monitoring reporting procedures.
- CR-2 Prior to grubbing and ground disturbance**, the applicant shall retain a qualified archaeologist and Native American approved by the Environmental Coordinator to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.
- CR-3 Upon completion of all monitoring/mitigation activities**, occupancy, or final inspection, whichever occurs first, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Recreation

- R-1 Prior to recordation of the final map**, the applicant shall offer for dedication to the public by certificate on the final map or by separate document a minimum 25-foot wide public access trail easement located along the Salinas River corridor within proposed Lot 15 (the open space lot) and a 10-foot wide landscaped pedestrian easement connecting to the trail. The location and design of the proposed trail easement shall be reviewed and approved by County Parks prior to recordation of the final map or approval of improvement plans (whichever occurs first). The trail easement shall be located: 1) to minimize disturbance of existing vegetation and the riparian corridor; 2) on relatively flat land, and; 3) outside of potential safety or high maintenance areas.
- R-2 Prior to recordation of the final map**, unless exempted by Chapter 21.09 of the County Real Property Division Ordinance or California Government code Section 66477, the applicant shall pay the in-lieu fee that shall be used for community park and recreational purposes. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

- R-3 Prior to recordation of the final map**, the applicant shall enter into an agreement with County Parks for the cost of checking the map, the improvement plans, and the cost of inspection of any such improvements by County Parks or its designated representative. The applicant shall also provide the county with a Parks Agreement to certify the final product to the Department of General Services.

Transportation/Circulation

- TR-1 Prior to recordation of the final map**, the developer shall pay to the County of San Luis Obispo a fee of \$3,870 per residential unit, plus an inflation adjustment based upon Caltrans Highway Construction Cost Index. The fees collected are to be used for road improvements in the San Miguel area to mitigate traffic impacts resulting from this subdivision.

Wastewater

- WW-1 Prior to recordation of the final map**, the applicant shall submit a final will serve letter to the County Division of Environmental Health, and shall construct sewer improvements to each parcel or submit a monetary bond to perform the work at a later date.

Water

- W-1 Prior to recordation of the final map**, the applicant shall submit a final will serve letter to the County Division of Environmental Health, and shall construct water improvements to each parcel or submit a monetary bond to perform the work at a later date.
- W-2 Prior to issuance of construction permits**, the applicant shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) approved by the State Water Resources Control Board. The Best Management Practices (BMPs) identified in the SWPPP shall be implemented during construction of tract and road improvements, and individual lot development.
- W-3 Prior to issuance of building permits for development on the proposed parcels**, proposed construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

WASTEWATER

WW-1 Prior to recordation of the final map, the applicant shall submit a final will serve letter to the County Division of Environmental Health, and shall construct sewer improvements to each parcel or submit a monetary bond to perform the work at a later date.

Monitoring: The Planning and Building Department, in consultation with the Environmental Health Division, shall verify compliance.

WATER

W-1 Prior to recordation of the final map, the applicant shall submit a final will serve letter to the County Division of Environmental Health, and shall construct water improvements to each parcel or submit a monetary bond to perform the work at a later date.

Monitoring: The Planning and Building Department, in consultation with the Environmental Health Division, shall verify compliance.

W-2 Prior to issuance of construction permits, the applicant shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) approved by the State Water Resources Control Board. The Best Management Practices (BMPs) identified in the SWPPP shall be implemented during construction of tract and road improvements, and individual lot development.

Monitoring: The Planning and Building Department shall verify compliance.

W-3 Prior to issuance of building permits for development on the proposed parcels, proposed construction plans must include water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

Monitoring: The Planning and Building Department shall verify compliance.

1-46

**DEVELOPER'S STATEMENT FOR THE
ORRISON GENERAL PLAN AMENDMENT AND TENTATIVE TRACT MAP
LRP2004-00010/ SUB2004-00370 TR05-2750**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

General Plan Amendment

BIOLOGICAL RESOURCES

BR-1 Prior to approval of the General Plan Amendment, the applicant shall designate the eastern portion of the project site (approximately 1.4 acres) as Open Space. No structural development shall be permitted on this parcel.

Monitoring: The Planning and Building Department shall verify compliance.

Tentative Tract Map

OS-1 Prior to final map recordation, an open space easement shall be recorded for the eastern portion of the project site (approximately 1.4 acres). It is to be held in one of the following ways: single ownership, in common by a Homeowner's Association, or transferred to a public trustee conservancy agency approved by the Department of Planning and Building. The open space parcel is to be maintained as such in perpetuity. No structural development shall be permitted on this parcel.

Monitoring: The Planning and Building Department shall verify compliance.

Prior to recordation of the final map, the following notes shall be included on the second sheet of the final map and shall apply to future construction on the project site:

1-47

AGRICULTURAL RESOURCES

AG-1 Prior to sale of each lot, the applicant shall provide all purchasers with a supplemental disclosure of agricultural operations located in close proximity to the project site. These operations shall include, but not be limited to, activities that result in noise, dust, glare, and/or odors occurring throughout the day and into the night. The disclosure shall also include a copy of the County's Right-to-Farm Ordinance.

Monitoring: The Planning and Building Department shall verify compliance.

AIR QUALITY

AQ-1 Prior to issuance of grading permit, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, contact Ms. Karen Brooks, APCD at 781-5912.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-2 During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

- a. Reduce the amount of disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and,
- e. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-3 Developmental burning shall be prohibited unless the applicant obtains a burn permit from the Air Pollution Control District and California Department of Forestry/County Fire (CDF). If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

BIOLOGICAL RESOURCES

San Joaquin Kit Fox

Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat. The Kit Fox Evaluation, which was completed for the project (Orrison General Plan Amendment and Tract Map; LPR2004-00010; SUB2004-00370) on May 31, 2005 by David Wolff, indicates the project will impact San Joaquin kit fox habitat. The project earned a score of 81 on the evaluation, which requires that all impacts to kit fox habitat be mitigated at a ratio of four acres conserved for each acre impacted (4:1). The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

1-49

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2,500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

Monitoring: The Planning and Building Department shall verify compliance and shall approve mitigation in consultation with the California Department of Fish and Game.

BR-2 Prior to issuance of grading and/or construction permits, or conducting any grading associated with map recordation, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR-11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities,** if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction,** fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

1-51

- a) Potential kit fox den: 50 feet
 - b) Known kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
 3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

Monitoring: The Planning and Building Department Division of Environmental and Resource Management shall verify compliance and receipt of pre-construction survey letter and monitoring reports.

- BR-3 Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation,** the applicant shall clearly delineate as a note on the project plans, that: "Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction. In addition, **prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation,** conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.
- BR-4 During the site disturbance and/or construction phase,** grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- BR-5 Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction,** all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

1-52

- BR-6 During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-7 During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8 During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9 Prior to, during, and after the site-disturbance and/or construction phase,** use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10 During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

BR-11 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason
(805) 781-5029

Monitoring: The Planning and Building Department Division of Environmental and Resource Management shall verify compliance and receipt of pre-construction survey letter and monitoring reports.

CULTURAL RESOURCES

CR-1 Upon submittal of tract improvement plans, the applicant shall submit a monitoring plan prepared by a qualified historic archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:

- a. List of personnel involved in the monitoring activities;
- b. Description of how the monitoring shall occur;
- c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
- d. Description of what resources are expected to be encountered;
- e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
- f. Description of procedures for halting work on the site and notification procedures;
- f. Description of monitoring reporting procedures.

Monitoring: The Planning and Building Department Division of Environmental and Resource Management shall verify compliance and receipt of monitoring plan.

CR-2 Prior to grubbing and ground disturbance, the applicant shall retain a qualified archaeologist and Native American approved by the Environmental Coordinator to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.

Monitoring: The Planning and Building Department Division of Environmental and Resource Management shall verify compliance and receipt of monitoring reports.

CR-3 Upon completion of all monitoring/mitigation activities, occupancy, or final inspection, whichever occurs first, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Monitoring: The Planning and Building Department Division of Environmental and Resource Management shall verify compliance and receipt of final monitoring report.

RECREATION

R-1 Prior to recordation of the final map, the applicant shall offer for dedication to the public by certificate on the final map or by separate document a minimum 25-foot wide public access trail easement located along the Salinas River corridor within proposed Lot 15 (the open space lot) and a 10-foot wide landscaped pedestrian easement connecting to the trail. The location and design of the proposed trail easement shall be reviewed and approved by County Parks prior to recordation of the final map or approval of

improvement plans (whichever occurs first). The trail easement shall be located: 1) to minimize disturbance of existing vegetation and the riparian corridor; 2) on relatively flat land, and; 3) outside of potential safety or high maintenance areas.

Monitoring: The Planning and Building Department, in consultation with the County Parks Division, shall verify compliance.

- R-2 Prior to recordation of the final map, unless exempted by Chapter 21.09 of the County Real Property Division Ordinance or California Government code Section 66477,** the applicant shall pay the in-lieu fee that shall be used for community park and recreational purposes. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Monitoring: The Planning and Building Department, in consultation with the County Parks Division, shall verify compliance.

- R-3 Prior to recordation of the final map,** the applicant shall enter into an agreement with County Parks for the cost of checking the map, the improvement plans, and the cost of inspection of any such improvements by County Parks or its designated representative. The applicant shall also provide the county with a Parks Agreement to certify the final product to the Department of General Services.

Monitoring: The Planning and Building Department, in consultation with the County Parks Division, shall verify compliance.

TRANSPORTATION/CIRCULATION

- TR-1 Prior to recordation of the final map,** the developer shall pay to the County of San Luis Obispo a fee of \$3,870 per residential unit, plus an inflation adjustment based upon Caltrans Highway Construction Cost Index. The fees collected are to be used for road improvements in the San Miguel area to mitigate traffic impacts resulting from this subdivision.

Monitoring: The Planning and Building Department, in consultation with the County Public Works Department shall verify compliance.

156

Environmental Determination: ED05-055

Date: June 12, 2006

The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.



Signature of Owner(s)

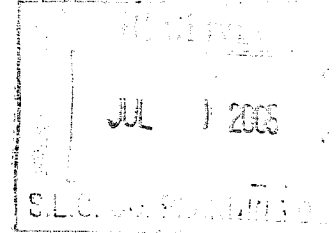
6-19-06

Date

Brad Orrison

Name (Print)

San Miguel
Community
Services District



Board of Directors

President

Richard Harrison

Vice President

Gib Buckman

Members

Connie Jarvis

Dale Hamblin

Bud Wimer

Mission Statement

Committed to serving the
community with
effectiveness, efficiency, and
care to support the economic
and social quality of life in
San Miguel

Proudly serving

San Miguel

with:

Fire Protection

Street Lighting

Water

Wastewater

Solid Waste

P.O. Box 180
1150 Mission Street
San Miguel, CA 93451

Tel. 805-467-3388

Fax 805-467-9212

smcsd@tcsn.net

www.sanmiguelcsd.org

June 28, 2005

RRM Design Group
3765 S Higuera
San Luis Obispo CA. 93401

Attn: Scott Stokes

Project Owner: Stuntman Partners

I have reviewed the Tentative Tract Map # 2750. The San Miguel Fire Department will be responsible for providing fire protection. In order to meet the requirements of the Uniform Fire Code the following is required to obtain fire district protection and approval of your project:

Addressing

All projects, prior to final inspection approval, shall comply with Title 20, Address and Road Name Ordinance. Appropriate addresses, building numbers, road names, signs and room numbers, shall be installed prior to final inspection. SMCSd requires numbers to be a minimum of four (4) inches in height for residential and five (5) inches minimum height for commercial buildings. All numbers shall contrast with their background, be visible from the center of the road and be illuminated if possible. UFC

Residential Sprinklers

All residential structures within tract map #2750 / development shall be equipped with residential sprinklers per NFPA Pamphlet 13D.

The remainder of the tentative tract map appears to meet San Miguel and fire code requirements. Please note nothing contained herein abrogates any more restrictive requirements by other agencies having jurisdiction.

Sincerely

Roland H. Snow

Fire Chief

SAN MIGUEL FIRE DEPARTMENT

COPY



1-58

[Handwritten signature]

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

DATE: December 28, 2004

FROM PUBLIC WORKS

FROM Elizabeth Kavanaugh
Current Planning Division

The attached application was recently filed with the Planning Department for review and approval. Because the proposal may be of interest or concern to your agency, we are enclosing a copy of the project application and plan for your preliminary review and comment. This project has not yet been authorized for processing. Your comments would help in the preparation of that report. If the project is authorized for processing, the Environmental Division will send you a follow-up referral that will be more detailed.

PROJECT INFORMATION

File Number: LRP 2004-00010

Applicant: Bradley Orrison

Project location: The project site is located at the southwest corner of Bonita Place and Crispin Ave., in the community of San Miguel.

Request: The applicant has requested to amend the Salinas River Area Plan of the Land Use Ordinance by changing the land use category on the property from Residential Suburban to Residential Single Family. The purpose of the request is to allow for residential subdivision.

COMMENTS

Please review and respond as deemed necessary. If you have questions, please contact Elizabeth Kavanaugh at (805) 788-2010.

AGENCY RESPONSE

Recommend Approval of processing - THIS IS A SMALL ISLAND OF
RS and it will be totally consistent with THE NEIGHBORHOOD IF
REZONED.

13 JAN 2005

Goodwin

phone: 5252



1-59 21
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

MAY 18 2005

THIS IS A NEW PROJECT REFERRAL

DATE:

5/17/05

FROM

PW

ORRISON / TR 2750



North Co. Team

(Please direct response to the above)

SUB 2004-00370

Project Name and Number

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-
BOARD FOR THE PLANNER

PROJECT DESCRIPTION:

Tract Map 2750 : (14) lots for SFDs
& (1) open space lot. Located in San Miguel, off 16th
Street. East of Hwy. 101. APN. 021-151-044.
2.45 acre site.

Return this letter with your comments attached no later than:

5/2/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

?

YES

NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

?

NO (Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

No Reduced map. Map does not show existing septic tank & leach field.
No Title Report. B/S AUTHORIZED PROCESSING OF GPA BUT THAT APPROVAL IS
Still maybe A YEAR AWAY. Sub standard lots - IS THIS A CLUSTER SUBDIVISION
AND THEREFORE NEEDS A DEV PLAN? A storm water Plan will be needed
(see S. Miguel Drainage Study). STOPS ATTACHED IN CASE THIS MOVES FORWARD.

13 JUNE 2005
Date

GOODWIN
Name

5252
Phone

1-60
EXHIBIT B

CONDITIONS OF APPROVAL FOR TRACT 2750, ORRISON/RRM

Approved Project

This approval authorizes the division of a _____ acre parcel into _____ parcels of _____ **acres / square feet** each.

Access and Improvements

☒ Roads and/or streets to be constructed to the following standards:

- a. VERDE RD constructed to a A-2 section within a 50 foot dedicated right-of-way.
- b. BONITA & CRISPIN AVE widened to complete a A-2 section fronting the property. REPAIR OF EXISTING IMPROVEMENTS MAY BE NECESSARY AND/OR INSTALLATION OF STD. DRIVEWAY RAMPS.
- c. _____ constructed to a _____ section from the property to _____ (minimum paved width to be _____ feet).

☒ The applicant offer for dedication to the public by certificate on the map or by separate document:

- a. For future road improvement _____ feet along _____ to be described as _____ feet from the recorded centerline.
- b. For future road improvement _____ feet along _____ to be described as _____.
- c. For road widening purposes _____ feet along _____, to be described as _____ feet from the recorded centerline.
- d. The _____ foot road easement as shown on the tentative parcel map with a _____ foot radius property line return at the intersection of _____.
- e. A 20 foot radius property line return at the intersection of ALL streets.
- f. The _____ foot road easement terminating in a county cul-de-sac as shown on the tentative map.

- 1-61
- ☐ The intersection of _____ and _____ be designed in accordance with California Highway Design Manual.
 - ☐ Access be denied to lots _____ from _____ and that this be by certificate and designation on the map.
 - ☐ The future alignment of _____ shall be shown on the map as reserved for future public right-of-way.
 - ☒ A private easement be reserved on the map for access to lots 15.
 - ☐ A practical plan and profile for access to lots _____ be submitted to the Department of Public Works and the Department of Planning and Building for approval.
 - ☒ All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

- ☒ Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - ☒ a. Street plan and profile.
 - ☒ b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - ☒ c. Water plan (County Health).
 - ☒ d. Sewer plan (County Health).
 - ☒ e. Grading and erosion control plan for subdivision related improvement locations.
 - ☒ f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - ☒ g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
 - ☒ h. Trail plan, to be approved jointly with the Park Division.
- ☒ The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
- ☒ The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
- ☒ If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not longer required.

Drainage

1-62

- ☐ _____ is not capable of carrying additional runoff. Construct off-site drainage facilities for an adequate outlet, or provide evidence of adequate drainage easements.
- ☐ The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
- ☐ Submit complete drainage calculations to the Department of Public Works for review and approval.
- ☐ If calculations so indicate, drainage must be **retained/detained** in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
- ☐ If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. granted to the public in fee free of any encumbrance.
 - b. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
 - c. reserved as a drainage easement in favor of the owners and assigns.
- ☐ If a drainage basin is required, a zone of benefit be formed within _____ for maintenance of the drainage basin. Application to be filed with the The Department of Public Works Administrator.
- ☐ If a drainage basin is required, this development be annexed to _____ for maintenance of the drainage basin. Evidence of acceptance to be filed with the Department of Public Works.
- ☒ The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program. *Provide WQID# to County*

Wastewater Disposal

- ☐ Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. (Parcel(s) _____, only).
- ☐ A community septic system shall be installed with a centralized leaching area and shall have a 100% or greater additional expansion area. The area for the community septic tank system and disposal area shall **be granted in fee on the map to the appropriate maintenance agency for maintenance with the right of ingress and egress / shall be kept as open space within easement for sewage treatment purposes granted to a homeowner's association.** Impervious paving over a disposal area is not considered acceptable.

1-63

- ☐ A long term community septic tank and disposal area maintenance plan be submitted to the the Department of Public Works and Health Department and the Regional Water Quality Control Board for review prior to the filing of the final parcel or tract map.
- ☐ The community sewage system shall be designed by a Registered Civil Engineer and operated in accordance with county, state, federal and maintenance entity laws, standards and requirements. A waste discharge permit, if required, shall be issued by the Central Coast State Regional Water Quality Control Board prior to the filing of the final parcel or tract map.
- ☐ This land division shall be annexed to _____ prior to the filing of the final parcel or tract map for **water service/water and sewer service/sewer maintenance/community septic system maintenance/**_____.

Soils Report

- ☐ A final soils report by a Registered Civil Engineer be submitted for review prior to the final inspection of the improvements.
- ☐ Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final parcel or tract map. The date and person who prepared the report are to be noted on the map.

Utilities

- ☒ Electric and telephone lines shall be installed **underground / overhead**.
- ☒ Cable T.V. conduits shall be installed in the street.
- ☒ Gas lines shall be installed.
- ☐ A _____ feet public utility easement on private property along _____, plus those additional easements required by the utility company, be shown on the final parcel or tract map.

Design

- ☐ The lots shall be numbered in sequence.
- ☐ The _____ on lot _____ be removed or brought into conformance with the **Land Use Ordinance / Coastal Zone Land Use Ordinance** prior to filing the final parcel or tract map. A demolition permit may be required.
- ☐ The lot area of _____ shall contain a minimum area of _____ exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22/23.04.021).

1-64

- ☐ The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Vector Control and Solid Waste

- ☐ A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet **Land Use Ordinance / Coastal Zone Land Use Ordinance** requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

- ☐ Provide minimum fire flow of _____ gallons per minute as per nationally recognized standard. Fire flows to be maintained for a minimum two-hour duration.
- ☐ The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.
- ☐ Designate a fire lane within all the driveway areas. This lane to be minimum width of twenty (20) feet. *(USE FOR MULTI-FAMILY/COMMERCIAL PROJECTS ONLY)*

Parks and Recreation (Quimby) Fees

- ☐ Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total ***number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them / or the number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.***
- ☐ For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

Affordable Housing Fee

- ☐ Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

1-65

Easements

- ☐ The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.
- ☐ An open space easement be recorded for the open space parcel(s). It is to be held ***in single ownership / in common by the Homeowner's Association / or transferred to a public trust or conservancy agency approved by the Department of Planning and Building.*** The open space parcel is to be maintained as such in perpetuity.

Landscape Plans

- ☐ ***If a drainage basin*** is required, then submit detailed landscaping plans in compliance with Section 22/23.04.180 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:
 - a. Drainage basin fencing. (***ONLY USE IF THE DRAINAGE BASIN HAS A DEPTH OF 2 FEET OR GREATER AS MEASURED FROM THE TOP OF THE RIM TO THE LOWEST PORTION OF THE BASIN***)
 - b. Drainage basin perimeter landscape screening. (***ONLY USE FOR FENCED BASINS***)
 - c. Landscaping for erosion control.
- ☐ All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within _____ days of completion of the improvements.

Mitigations PUT ANY MITIGATIONS FROM DEVELOPER STATEMENT HERE **ONLY IF THEY CAN BE COMPLETED PRIOR TO THE RECORDATION OF THE MAP**

- ☐ _____
- ☐ _____

Additional Map Sheet

- ☐ The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

CHOOSE APPLICABLE PROVISIONS

- a. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of drainage basin fencing in perpetuity.
- b. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of ***drainage basin / adjacent*** landscaping in a viable condition on a continuing basis into perpetuity.
- c. That secondary dwellings shall not be allowed on ***all lots within the land division / on lots*** _____.

1-66

- d. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans.
- e. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- f. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- g. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
- h. The limits of inundation from a 100 year storm over lots _____ from _____ **creek / river** shall be shown on the additional map and note the required building restriction in the on the sheet.
- i. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- j. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated _____ from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. *(ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)*
- l. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- A. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
- m. PUT ANY MITIGATIONS FROM DEVELOPER'S STATEMENT HERE **ONLY IF THEY GO BEYOND RECORDATION OF THE MAP** _____

Covenants, Conditions and Restrictions

- ☐ The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

CHOOSE APPLICABLE PROVISIONS

- a. On-going maintenance of drainage basin fencing in perpetuity.
- b. On-going maintenance of **drainage basin / adjacent** landscaping in a viable condition on a continuing basis into perpetuity.
- b. Maintenance of drainage basin landscaping.
- c. Maintenance of common areas.
- d. Secondary dwellings shall not be allowed.
- e. Designated building sites (and access drives) shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.
- f. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- g. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- h. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on an exhibit attached to the CC&R's. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year.
- i. Maintenance of all local streets within the subdivision until acceptance by a public agency.
- j. The limits of inundation from a 100 year storm over lots _____ from _____ **creek / river** shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. (ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)
- l. _____

Low Cost Housing (USE IN COASTAL ZONE ONLY)

- ☐ Provide _____ residential units for low and moderate income families as defined by Section 50093 of the Health and Safety Code as part of the proposed project or elsewhere in the community. The agreement with the county for the development will include acknowledgment that it is feasible to provide a level of affordable housing in conjunction with this project. If qualified buyers have not purchased any of the _____ units within six months of the units being available for sale, and evidence can be provided that shows a reasonable advertising campaign was used to attract qualified buyers, the applicant may be relieved from the requirements to sell the units to qualified buyers.

1-68

Miscellaneous

- ☒ This subdivision is also subject to the standard conditions of approval for all subdivisions using **community water and sewer / community water and septic tanks / individual wells and septic tanks**, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- ☒ A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- ☐ Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
- ☐ Prior to the sale of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.
- ☐ All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

1-69



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

DATE: December 28, 2004

TO: ENVIRONMENTAL
HEALTH

FROM: Elizabeth Kavanaugh
Current Planning Division

The attached application was recently filed with the Planning Department for review and approval. Because the proposal may be of interest or concern to your agency, we are enclosing a copy of the project application and plan for your preliminary review and comment. This project has **not yet** been authorized for processing. Your comments would help in the preparation of that report. If the project is authorized for processing, the Environmental Division will send you a follow-up referral that will be more detailed.

PROJECT INFORMATION

File Number: LRP 2004-00010

Applicant: Bradley Orrison

Project location: The project site is located at the southwest corner of Bonita Place and Crispin Ave., in the community of San Miguel.

Request: The applicant has requested to amend the Salinas River Area Plan of the Land Use Ordinance by changing the land use category on the property from Residential Suburban to Residential Single Family. The purpose of the request is to allow for residential subdivision.

COMMENTS

Please review and respond as deemed necessary. If you have questions, please contact Elizabeth Kavanaugh at (805) 788-2010.

AGENCY RESPONSE

Water availability and cumulative impacts would be our concern. Does changing the land use category increase the number of homes that could be built under current category?

Lauri Salo 781-5551

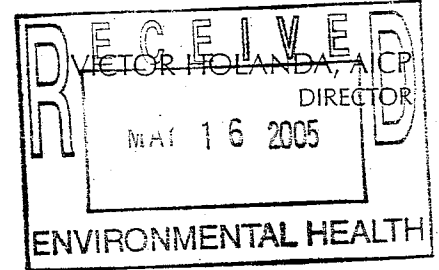
1-20-05



Ek 1-70 21
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

MAY 20 2005

THIS IS A NEW PROJECT REFERRAL



DATE:

5/17/05

TO:

Env Health

FROM:

North Co. Team

(Please direct response to the above)

ORRISON / TR 2750

SUB 2004-00370

Project Name and Number

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNER)

PROJECT DESCRIPTION:

Tract Map 2750 : (14) lots for SFDs
& (1) open space lot. Located in San Miguel, off 16th
Street. East of Hwy. 101. APN. 021-151-044.
2.45 acre site.

Return this letter with your comments attached no later than:

5/2/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

____ YES
____ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

____ NO (Please go on to Part III)
____ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Applicant shall be conditioned with stock conditions for community water and sewer
a will serve shall be provided to this office (for review & approval) in order to
obtain preliminary approval. Proposed parcel 14 has an existing well
that shall be destroyed (via permits) prior to recordation. Also,
please identify location of septic system (if applicable) for the existing

5/19/05

Date

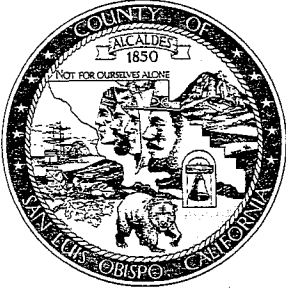
Lauri Sal

Name

781-5551

Phone

Residence. Thank You.



ECK *1-71*
County of San Luis Obispo • Public Health Department

Environmental Health Services

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX: (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

June 23, 2005

RRM Design Group
3765 South Higuera, Suite 102
San Luis Obispo, CA 93401

JUN 24

ATTN: SCOTT STOKES
RE: TENTATIVE TRACT MAP 2750/S.R. 5761 (ORRISON)
SUB 2004-00370

Water Supply and Wastewater Disposal

This office is in receipt of satisfactory preliminary information that the San Miguel Community Services District will provide water and sewer service to the referenced tract map.

Be advised that prior to final recordation of the map a final can and will serve letter from the San Miguel Community Services District will have to be submitted and approved by the Division of Environmental Health. Prior to final map recordation, water and sewer improvements shall be built to each parcel or a monetary bond submitted to perform the work at a later date.

Be advised that there is an existing well on proposed parcel 14 that shall be destroyed, through permits from this office, prior to map recordation. The destruction is required due to the newly proposed small parcel size.

TRACT 2750 is approved for map processing.

Laurie A. Salo

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

c: Kami Griffin, County Planning
North County Team, County Planning
San Miguel CSD
Brad Orrison, Owner

1-72

Shawna Scott

From: Shawna Scott [sscott@morrogroup.com]
Sent: Friday, August 12, 2005 9:14 AM
To: misensee@co.slo.ca.us
Subject: RE: Orrison

Thank you, Michael.

Have a great weekend,
Shawna

Shawna Scott
Project Manager

Morro Group, Incorporated
1422 Monterey Street, Suite C200
San Luis Obispo, CA 93401
sscott@morrogroup.com <mailto:sscott@morrogroup.com>
P: (805) 543-7095 Ext. 111
F: (805) 543-2367

-----Original Message-----

From: misensee@co.slo.ca.us [mailto:misensee@co.slo.ca.us]
Sent: Friday, August 12, 2005 9:11 AM
To: Shawna Scott
Subject: Re: Orrison

Lynda believes she provided verbal comment to the planner on this project. If it mimics the development immediately to the south, with an easement covering the eastern (floodplain) portion of the project, there should be no impacts to agriculture from the project. As with all projects, Right to Farm notification should be provided to the future owners of individual properties in the development.

Michael Isensee
Agricultural Resource Specialist
San Luis Obispo County Department of Agriculture
2156 Sierra Way, Suite A
San Luis Obispo, CA 93401
805.781.5753
805.781.1035 (fax)
misensee@co.slo.ca.us

"Shawna Scott"
<sscott@morrogroup.com>

To: <misensee@co.slo.ca.us>
cc:
Subject: Orrison

08/11/2005 02:56
PM



1-73 21
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

05 MAY 18 PM 12:57

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 5/17/05

TO: Parks

FROM: North Co. Team
(Please direct response to the above)

ORRISON / TR 2750

SUB 2004-00370
Project Name and Number

Development Review Section (Phone: 788-2009) *OR ASK THE SWITCH-BOARD FOR THE PLANNER

PROJECT DESCRIPTION: Tract map 2756 : (14) lots for SFDs & (1) open space lot. Located in San Miguel, off 16th Street. East of Hwy. 101. APN: 021-151-044. 2.45 acre site.

Return this letter with your comments attached no later than: 6/2/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?
☒ YES
☐ NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?
☒ NO (Please go on to Part III)
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Require Permit and applicable Building Division fees.
SEE Attached Conditions

06/05/05
Date

Jan Dileo
Name

4089
Phone

1-74

Parks Conditions
ORRISON (TR 2750, SUB2004-00370)

The following language would appear under the **Access and Improvements** heading, rather than under *Improvement Plans*.

The applicant shall offer for dedication to the public by certificate on the final map or by separate document:

- a. A minimum 25 foot wide public access trail easement located along the Salinas River corridor within proposed Lot 15 (the open space lot). The location and design of the proposed trail easement shall be reviewed and approved by County Parks prior to recordation of the Final Map or approval of improvement plans (whichever occurs first). The trail easement shall be located (1) to minimize disturbance of existing vegetation and the riparian corridor, (2) on relatively flat land, and (3) outside of potential safety or high maintenance areas.

The following condition is under Parks and Recreation (Quimby) Fees:

- ☐ Unless exempted by Chapter 21.09 of the County Real Property Division Ordinance or California Government Code Section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them or the number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.
- ☐ The applicant shall enter into an agreement with County Parks for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by County Parks or its designated representative. The applicant shall also provide the County with a Parks Agreement to certify the final product to the Department of General Services.